

## Message Text

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42  
ACTION EUR-12

INFO OCT-01 ISO-00 SAJ-01 ACDA-07 CIAE-00 DODE-00 PM-04

H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 IO-13 TRSE-00 /080 W  
----- 065888

P R 011421Z DEC 76  
FM USMISSION USBERLIN  
TO AMEMBASSY BONN PRIORITY  
INFO SECSTATE WASHDC 3518  
AMEMBASSY BERLIN UNN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
USMISSION USNATO  
AMCONSUL BREMEN  
AMCONSUL HAMBURG

C O N F I D E N T I A L USBERLIN 2571

E.O.11652: GDS  
TAGS: PGOV, WB, US, UK, FR, UR  
SUBJECT: SOVIET PROTEST ABOUT JOINT MEETING OF SENATS OF HAMBURG  
BREMEN AND BERLIN IN BERLIN NOVEMBER 5

REF: USBER 2425

1. FOLLOWING IS PROPOSED TEXT OF REPLY AGREED AMONG ALLIED  
MISSIONS IN BERLIN TO SOVIET PROTEST REPORTED REFTEL.

BEGIN QUOTE

WITH RESPECT TO YOUR STATEMENT OF NOVEMBER  
9 ON A MEETING OF THE SENATS OF BERLIN, HAMBURG AND  
BREMEN IN BERLIN, I HAVE BEEN ASKED BY THE THREE ALLIED  
GOVERNMENTS TO CONFIRM THE INITIAL COMMENTS MADE TO YOU  
ON THAT DAY BY THE CHAIRMAN POLITICAL ADVISER AND TO  
REFER YOU AGAIN TO THE STATEMENTS MADE IN CONNECTION  
WITH SOMEWHAT SIMILAR MATTERS BY THEIR REPRESENTATIVES TO  
THE SOVIET EMBASSIES IN WASHINGTON, AND LONDON, MAY  
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28, 1976 AND IN PARIS , JUNE 1, AND BY THE CHAIRMAN POLAD

TO YOU ON OCTOBER 11.

I HAVE ALSO BEEN ASKED TO EXPRESS THE VIEW OF THE THREE ALLIED GOVERNMENTS THAT AUTHORITIES OR BODIES OF THE LAENDER ARE NOT STATE BODIES OF THE FEDERAL REPUBLIC OF GERMANY. THAT THIS WAS RECOGNISED BY ALL PARTIES TO THE QUADRIPARTITE AGREEMENT IS ABUNDANTLY CLEAR BOTH FROM THE NEGOTIATING HISTORY AND FROM THE TEXT OF THE QUADRIPARTITE AGREEMENT ITSELF. IN PARTICULAR, THE LETTER OF THE THREE AMBASSADORS TO THE FEDERAL CHANCELLOR CONCERNING THE INTERPRETATION OF ANNEX II PROVIDES THAT "THE TERM 'STATE BODIES' IN PARAGRAPH 2 OF ANNEX II SHALL BE INTERPRETED TO MEAN: THE FEDERAL PRESIDENT, THE FEDERAL CHANCELLOR, THE FEDERAL CABINET, THE FEDERAL MINISTERS AND MINISTRIES, AND THE BRANCH OFFICES OF THOSE MINISTRIES, THE BUNDESRAT AND THE BUNDESTAG AND ALL FEDERAL COURTS." THERE WAS NO NECESSITY TO REFER IN THE QUADRIPARTITE AGREEMENT TO BODIES AND AUTHORITIES OF THE LAENDER AS THEY CAN, BY THEIR VERY NATURE, EXERCISE AUTHORITY ONLY OVER THEIR OWN LAND.

FINALLY , I HAVE BEEN ASKED BY THE THREE ALLIED GOVERNMENTS TO ADDRESS THE ASSERTION IN YOUR STATEMENT OF NOVEMBER 9 THAT IT IS SAID IN ANNEX II, PARAGRAPHS 1 AND 2 OF THE QUADRIPARTITE AGREEMENT " IN PARTICULAR THAT STATE BODIES OF THE FEDERAL REPUBLIC OF GERMANY WILL NOT PERFORM IN THE WESTERN SECTORS OF BERLIN CONSTITUTIONAL OR OFFICIAL ACTS." AS YOU ARE AWARE, IT IS DEFINITIVELY STATED IN THE ABOVE- MENTIONED LETTER OF THE THREE AMBASSADORS TO THE FEDERAL CHANCELLOR CONCERNING INTERPRETATION OF ANNEX II THAT " THE PHRAUSE IN PARAGRAPH 2 OF ANNEX II OF THE QUADRI- PARTITE AGREEMENT WHICH READS ' WILL NOT PERFORM IN THE WESTERN SECTORS OF BERLIN CONSTITUTIONAL OR OFFICIAL ACTS WHICH CONTRADICT THE PROVISIONS OF PARAGAPH 1' SHALL BE INTERPRETED TO MEAN ACTS IN EXERCISE OF DIRECT STATE AUTHORITY OVER THE WESTERN SECTORS OF BERLIN." THESE PROVISISSIONS DO NOT, THEREFORE, RESTRICT THE ACTIVITIES IN BERLIN OF FEDERAL BODIES OR OFFICIALS WHICH DO NOT INVOLVE THE CONFIDENTIAL

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EXERCISE OF DIRECT STATE AUTHORITY OVER THE WESTERN SECTORS. END TEXT.  
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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Disposition Case Number:** n/a  
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**TAGS:** PGOV, WB, US, UK, FR, UR  
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